APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/128,580	08/04/98	GILLIHAN T	KLR:7146.017

LM31/1208

CHERNOFF VILHAUER MCCLUNG AND STENZEL
300 BENJ FRANKLIN PLAZA
ONE SOUTHWEST COLUMBIA
PORTLAND OR 97258

EXAMINER
POPOVICI, D

ART UNIT	PAPER NUMBER
2722	3

DATE MAILED:

12/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/128,580	Gillihan et al.
	Examiner	Group Art Unit
	Dov Popovici	2722

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on _____ .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) ____1-18____ is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) ____1-18____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____ .

DOV POPOVICI
PRIMARY EXAMINER

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). __2__   ☐ Interview Summary, PTO-413

☒ Notice of References Cited, PTO-892   ☐ Notice of Informal Patent Application, PTO-152

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948   ☐ Other _____

Office Action Summary

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2.   Claims 1-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Pavlovic et al (U.S. 5,715,379).

As to claim 1, Pavlovic et al discloses a print engine for a

printer (see figure 1) comprising: (a) a first process that

receives a document to be printed on a printer (receiving

document to be printed in spool 106); (b) a second process (110

and see column 4, lines 36-43) that examines the document to

select which of a plurality of third processes (110a, 110b, 110c

or 110d) is suitable to parse the printer description language of

the document; (c) a first one of the plurality of third processes

(110a) processing the document using a first PDL (i.e.,

PostScript) in response to the selection of the second process

(110 and see column 4, lines 36-43); (d) a second one of the

plurality of third processes (110b) processing the document using

a second PDL (i.e., PCL) in response to the selection of the

second process (110 and see column 4, lines 36-43); and (e) the

second process (110 and see column 4, lines 36-43) not

terminating prior to the selected third process parsing the

document.

As to claim 2, Pavlovic et al discloses wherein the second

process (110 and see column 4, lines 36-43) continues to examine

the document for synchronization data while the third process

parses the document.

As to claim 3, Pavlovic et al discloses wherein the second

process (110 and see column 4, lines 36-43) is a PDL

determination process and the first process (receiving data in

spool 106) is a data receiver process.

As to claim 4, Pavlovic et al discloses wherein the third

processes (110a, 110b, 110c and 110d) are PDL parsing processes

for different PDL (i.e., PostScript, PCL, TIFF and ASCII).

As to claim 5, Pavlovic et al discloses a master control

process (108) that receives and responds to internal and external

data sensor input.

As to claim 6, Pavlovic et al discloses wherein the first

PDL is selected from the group of HP-PCL and PostScript (see

figure 2).

As to claim 7, Pavlovic et al discloses (a) the first process receives a plurality of documents (in spool 106); and (b) the second process (110 and see column 4, lines 36-43) examines each of the plurality of documents to select which of the plurality of third processes (110a-110d) are suitable to parse the PDL of each of the respective documents.

As to claim 8, Pavlovic et al discloses (a) the second process (110 and see column 4, lines 36-43) examines the plurality of documents for synchronization data; and (b) the second process (110 and see column 4, lines 36-43) examining the document for the synchronization data simultaneously with the selected third process (110a-110d) parsing the document.

As to claim 9, Pavlovic et al discloses (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document (see column 10, lines 3-14).

As to claim 10, Pavlovic et al discloses a method of printing documents comprising the steps of: (a) receiving a document to be printed on a printer (in spool 106); (b) examining the document (110 and see column 4, lines 36-43) to select one of

a plurality of parsers (110a-110d) suitable to parse the PDL of

the document; (c) in response to step (b) processing the document

by selecting at least one of a first PDL (110a) and a second PDL

(110b); and (d) the examining of step (b) continuing to examine

the document for synchronization data while the processing of

step (c).

As to claim 11, Pavlovic et al discloses wherein the

receiving of step (a) is a data receiver process (receiving data

in spool 106).

As to claim 12, Pavlovic et al discloses wherein the

examining of the document of step (b) is a PDL determination

process (110 and see column 4, lines 36-43).

As to claim 13, Pavlovic et al discloses wherein the

processing of step c) are PDL parsing (110a-110d) processes for

different PDL's.

As to claim 14, Pavlovic et al discloses providing a master

control process (108) that receives and responds to internal and

external data sensor input.

As to claim 15, Pavlovic et al discloses wherein the first

PDL (110a or 110b) is selected from the group of HP-PCL and

PostScript (see figure 2).

As to claim 16, Pavlovic et al discloses (a) receiving a plurality of documents (in spool 106); and (b) examining (110 and see column 4, lines 36-43) each of the plurality of documents to select which PDL (110a-110d) is suitable to parse the PDL of each of the respective documents (see figures 1-2).

As to claim 17, Pavlovic et al discloses (a) examining (110 and see column 4, lines 36-43) the plurality of documents for synchronization data; and (b) examining the documents (110 and see column 4, lines 36-43) for the synchronization data while the processing the document by the selecting the at least one of the first PDL (110a) and the second PDL (110b).

As to claim 18, Pavlovic et al discloses (a) detecting an error within one of the documents; and (b) initializing a different one of the selected the at least one of the first PDL and the second PDL (see column 10, lines 3-14).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-8 and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Steeves et al (U.S. 5,075,874).

As to claim 1, Steeves et al discloses a print engine for a printer (see figure 1) comprising: (a) a first process that receives a document to be printed on a printer (receiving document to be printed in buffers 23-26); (b) a second process (100) that examines the document to select which of a plurality of third processes (104, 106, 108, 110, 112 and 126) is suitable to parse the printer description language of the document; (c) a first one of the plurality of third processes (126) processing the document using a first PDL (i.e., PostScript) in response to the selection of the second process (100); (d) a second one of the plurality of third processes (104) processing the document using a second PDL (i.e., PCL) in response to the selection of the second process (100); and (e) the second process (100) not terminating prior to the selected third process (104, 106, 108, 110, 112 or 126) parsing the document.

As to claim 2, Steeves et al discloses wherein the second process (100) continues to examine the document for synchronization data while the third process parses the document.

As to claim 3, Steeves et al discloses wherein the second process (100) is a PDL determination process and the first process (receiving data in buffers 23-26) is a data receiver process.

As to claim 4, Steeves et al discloses wherein the third processes (104, 106, 108, 110, 112 or 126) are PDL parsing processes for different PDL (i.e., PostScript, DIABLO, EPSON and PCL).

As to claim 5, Steeves et al discloses a master control process (64,66) that receives and responds to internal and external data sensor input.

As to claim 6, Steeves et al discloses wherein the first PDL is selected from the group of HP-PCL and PostScript (see figure 3).

As to claim 7, Steeves et al discloses (a) the first process receives a plurality of documents (in buffers 23-26); and (b) the second process (100) examines each of the plurality of documents to select which of the plurality of third processes (104, 106, 108, 110, 112 or 126) are suitable to parse the PDL of each of the respective documents.

As to claim 8, Steeves et al discloses (a) the second process (100) examines the plurality of documents for

synchronization data; and (b) the second process (100) examining the document for the synchronization data simultaneously with the selected third process (104, 106, 108, 110, 112 or 126) parsing the document.

As to claim 10, Steeves et al discloses a method of printing documents comprising the steps of: (a) receiving a document to be printed on a printer (in buffers 23-26); (b) examining the document (100) to select one of a plurality of parsers (104, 106, 108, 110, 112 or 126) suitable to parse the PDL of the document; (c) in response to step (b) processing the document by selecting at least one of a first PDL (126) and a second PDL (104); and (d) the examining of step (b) continuing to examine the document for synchronization data while the processing of step (c).

As to claim 11, Steeves et al discloses wherein the receiving of step (a) is a data receiver process (receiving data in buffers 23-26).

As to claim 12, Steeves et al discloses wherein the examining of the document of step (b) is a PDL determination process (100).

As to claim 13, Steeves et al discloses wherein the processing of step c) are PDL parsing (104, 106, 108, 110, 112 or 126) processes for different PDL's.

As to claim 14, Steeves et al discloses providing a master control process (64,66) that receives and responds to internal and external data sensor input.

As to claim 15, Steeves et al discloses wherein the first PDL (126 or 104) is selected from the group of HP-PCL and PostScript (see figure 3).

As to claim 16, Steeves et al discloses (a) receiving a plurality of documents (in buffers 23-26); and (b) examining (100) each of the plurality of documents to select which PDL (104, 106, 108, 110, 112 or 126) is suitable to parse the PDL of each of the respective documents (see figures 1 and 3).

As to claim 17, Steeves et al discloses (a) examining (100) the plurality of documents for synchronization data; and (b) examining the documents (100) for the synchronization data while the processing the document by the selecting the at least one of the first PDL (126) and the second PDL (104).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

6.   Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pavlovic et al (U.S. 5,715,379) or Steeves et

al (U.S. 5,075,874) in view of Niihara et al (U.S. 5,854,940).

As to claims 9 and 18, Pavlovic et al or Steeves et al do

not teach (a) the selected third process detecting an error

within one of the documents; and (b) the second process

initializing a different one of the selected third processes in

response to the selected third process detecting an error within

the document. Niihara et al teaches a printing system with a

language determining device, wherein, the selected language

interpreter detecting an error within one of the documents, the

language determination initializing a different one of the

languages interpreters to be selected in response to the selected

interpreter detecting an error within the document. Therefore, it

would have been obvious to one of ordinary skilled in the art at

the time the invention was made to have modified Pavlovic et al

or Steeves et al wherein: (a) the selected third process

detecting an error within one of the documents; and (b) the

second process initializing a different one of the selected third

processes in response to the selected third process detecting an error within the document. It would have been obvious to one of ordinary skilled in the art at the time of the invention was made to have modified Pavlovic et al or Steeves et al by the teaching of Niihara et al because of the following reason(s): (1) so that when the selected interpreter detects an error within one of the documents, a PDL determination process selects a different PDL interpreter in order to process the data; (2) when the selected interpreter detects an error within one of the documents, a language determination is made in order to determine in what language the next document is in, so that the next document can be processed by the correct interpreter.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe (U.S. 5,852,709) teaches control language determination and selection.

Callister et al (U.S. 5,222,200) teaches automatic printer data stream language determination.

Campbell et al (U.S. 5,555,435) teaches automatic language boundary identification for a printer.

Landau (U.S. 5,828,817) teaches neural network recognizer for PDLS.

Bringmann (U.S. 5,293,466) teaches selecting interpreter for printer command language based on sample print job.

Walton (U.S. 5,392,419) teaches language identification system for a printer.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is (703) 305-3830.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 306-5406 (for formal communications intended for entry)

(703) 308-5397 (for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")
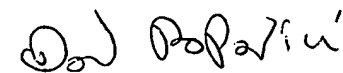
or hand-carried to:

      Crystal Park Two
      2121 Crystal Drive
      Arlington. VA.
      Sixth Floor (Receptionist)

Dov Popovici
November 24, 1999

DOV POPOVICI
PRIMARY EXAMINER

Dov Popovici
Primary Examiner
Art Unit 2722